

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:17-cv-23429-MGC-JG

JEFF RODGERS, *et al.*,

Plaintiffs,

vs.

HERBALIFE LTD., *et al.*,

Defendants.

ALL PARTIES' JOINT MOTION TO EXTEND PRETRIAL DEADLINES

Plaintiffs, JEFF RODGERS, PATRICIA RODGERS, MICHAEL LAVIGNE, JENNIFER LAVIGNE, IZAAR VALDEZ, FELIZ VALDEZ, CODY PYLE and JENNIFER RIBALTA (the “**Plaintiffs**”); Defendants, HERBALIFE, LTD., HERBALIFE INTERNATIONAL, INC., HERBALIFE INTERNATIONAL OF AMERICA, INC. (the “**Herbalife Defendants**”); and Defendants, MARK ADDY, JILLIAN ADDY, DENNIS DOWDELL, GARRAIN S. JONES, CODY MORROW, CHRISTOPHER REESE, GABRIEL SANDOVAL, EMMA SANDOVAL, JOHN TARTOL, LESLIE R. STANFORD, FERNANDO RANCEL, LORI BAKER, MANUEL COSTA, MARK DAVIS, JENNY DAVIS, DANIELLE EDWARDS, GRAEME EDWARDS, THOMAS P. GIOIOSA, SANDRA GIOIOSA, ALCIDES MEJIA, MIRIAM MEJIA, PAULINA RIVEROS, RON ROSENAU, CAROL ROSENAU, AMBER WICK, JASON WICK, JORGE DE LA CONCEPCION, DISNEY DE LA CONCEPCION, JENNIFER MICHELI, GUILLERMO RASCH, CLAUDIA RASCH, SAMUEL HENDRICKS, AMY HENDRICKS, BRADLEY HARRIS, PAYMI ROMERO, RYAN BAKER, KRISTOPHER BICKERSTAFF, MARK MATIKA, ENRIQUE CARILLO, DANIEL J. WALDRON, SUSAN PETERSON, MICHAEL KATZ, DEBI KATZ and ARQUIMEDES G. VALENCIA (the “**Individual Defendants**”)(Plaintiffs, the Herbalife Defendants, and the Individual Defendants are collectively referred to herein as the “**Parties**”), through their undersigned counsel, file this Joint Motion to Extend Pretrial deadlines, and state as follows:

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On January 8, 2018, this Court entered an Order Setting Civil Trial Date and Pretrial Deadlines. [D.E. 78]. Several deadlines created by that Order are approaching, including the August 17, 2018 deadline for the Parties to provide their fact witness lists. *Id.*

Defendants' Joint Motion to Compel Arbitration [D.E. 62] is fully briefed. Defendants Joint Motion to Transfer Venue to the Central District of California Pursuant to 28 U.S.C. § 1404(A) [D.E. 63] is also fully briefed. This Court has scheduled a hearing on Defendants' Joint Motion to Compel Arbitration and Defendants' Joint Motion to Transfer Venue to take place on August 22, 2018 at 2:30 pm. [D.E. 101]. Defendants have also filed Motions to Dismiss Plaintiffs' Complaint for Failure to State a Claim [D.E. 68 and D.E. 70]. This Court has extended Plaintiffs' deadline to respond to Defendants' Motions to Dismiss [D.E. 97], and Plaintiffs have not yet responded to Defendants' Motions to Dismiss.

This Court previously stayed discovery and extended certain pretrial deadlines, pending rulings on the above-referenced motions. *Id.* Specifically, this Court extended the deadlines for joining parties and claims, and for amending pleadings, to June 8, 2018. [D.E. 94]. The previous deadline for these items was April 9, 2018. [See D.E. 78 at paragraph 3]. Thus, this Court has already extended those pretrial deadlines for 60 days each.

Given the status of the pending motions, and the upcoming hearing, counsel for the Parties have conferred and agree that efficiency and judicial economy will be best served by extending all remaining pretrial deadlines for sixty (60) days each. The Parties may request further extensions, if necessary, depending upon how and when the pending motions are ruled upon. This request is being made by the Parties in good faith and is not being made for purposes of delay.

MEMORANDUM OF LAW

This Court has noted that “[d]istrict courts are granted ‘broad discretion over the management of pre-trial activities, including discovery and scheduling.’” *Dayem v. Chavez*, 2014 WL 12588513, *1 (S.D. Fla. 2014) (quoting, *Johnson v. Bd. of Regents of Univ. of Ga.*, 263 F.3d 1234, 1269 (11th Cir. 2001)). This Court has already stayed discovery and extended certain pretrial deadlines. [D.E. 94]. For consistency, efficiency, and judicial economy, all remaining pretrial deadlines should be extended for an additional sixty (60) days each.

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WHEREFORE, the Parties respectfully request that this Court enter an Order extending all remaining pretrial deadlines for a period of sixty (60) days each, and enter such other and further relief as this Court deems just and proper.

CERTIFICATE OF COMPLIANCE WITH S.D. FLA. L. R. 7.1(a)(3)(A)

Pursuant to Local Rule 7.1(a)(3)(A), we hereby certify that the undersigned counsel for the Parties conferred via email on August 6, 2018 in a good faith effort to resolve the issues raised herein, and all of the Parties join this Motion and agree to relief requested herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 6, 2018, a true and correct copy of the foregoing was filed with the Clerk of the Court using CM/ECF and served on all counsel via transmission of Notices of Electronic Filing generated by CM/ECF.

By: /s/ Etan Mark
ETAN MARK